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SUBJECT: EU'S CROATIA TASK FORCE REAFFIRMS ZAGREB MUST  
IMPROVE COOPERATION WITH ICTY

Classified By: Rick Holtzapple, PolOff, Reasons 1.4 (B/D)

SUMMARY

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1. (C) The EU's ad hoc "task force" on Croatia met in Luxembourg April 26 with ICTY Prosecutor Carla Del Ponte and then with Croatian PM Sanader. Based on Del Ponte's assessment that Croatia is still failing to fully cooperate with the ICTY, the task force took no further action on Croatia's EU bid. Although the task force agreed it should not meet again until there were significant enough developments to merit such a meeting, the Luxembourg Presidency told EU ambassadors in Brussels (COREPER) the morning of April 27 that they expected Croatia would be back on the agenda at the June 13 GAERC. END SUMMARY.

2. (SBU) The EU, at its March 16 General Affairs and External Relations Council (GAERC), postponed opening of accession negotiations with Croatia, due to the GoC's failure to fully cooperate with the ICTY. On March 23, EU leaders orally agreed, after heavy lobbying from Austria, to establish an ad hoc task force to examine the issue and report back to the Council. The task force consists of the Luxembourg, UK and Austrian Foreign Ministers (current and next two EU presidencies), together with High Rep Solana and Enlargement Commissioner Rehn.

3. (C) The task force's first meeting was held April 26 in Luxembourg, just after a regularly scheduled session of the EU-Croatia Stabilization and Association (SA) Council, which follows the broader issues related to implementation of Croatia's SA Agreement with the EU. Mia Asenius, chief advisor to Rehn on Croatia, told us April 27 that the task force meeting had gone "much better than I feared it might." Despite being attended at ministerial level by all sides, it was a "very low-key" event. ICTY Prosecutor Del Ponte gave a very straightforward report in which she said her assessment was basically unchanged. Del Ponte reportedly did make reference to some positive steps, including the retirement of 150 police officers and a crackdown on the issuance of false passports. With the press, Del Ponte was reported to have said, "there will be full cooperation when Croatia delivers Gotovina to ICTY or when Croatia informs about his whereabouts."

4. (C) The task force then met with Croatian PM Ivo Sanader. He handed over a list of achievements since March as well as an action plan to improve cooperation with ICTY. The Luxembourg Presidency has distributed the Croatian papers (but not Del Ponte's presentation) to the EU Member States. We have not seen a copy, but Asenius told us the plan contained six parts: 1) a public relations campaign to inform the Croatian public about the importance of ICTY compliance; 2) improving the credibility and effectiveness of Croatia's intelligence services, including two new laws on intelligence reform and on protection of sensitive information; 3) addressing "support networks"; 4) coordinating efforts with foreign intelligence services; 5) working toward a multilateral network to fight organized crime; and 6) preparing domestic judicial capacity to try war-crimes cases, particularly those that might be referred by ICTY.

5. (C) Asenius said the task force told Sanader the EU would follow with interest the implementation of this action plan, but what would matter were results. They also noted that several of the action plan's steps were clearly not short term projects. Sanader himself had acknowledged that the intelligence laws could not be adopted before June.

6. (C) Asenius was particularly pleased that with both the Croatians and the press, Luxembourg FM Asselborn was very clear EU policy was unchanged, that ICTY cooperation is "an unavoidable precondition" before accession negotiations can begin, and that such cooperation goes through the Hague, not Brussels. Asenius added that Austrian FM Plassnik had also behaved well during the task force, not taking any overtly pro-Croatian spin. Asenius noted that Commissioner Rehn had repeatedly stressed during the task force's private sessions the need for the EU to send a unified message to Zagreb. Plassnik claimed that the GoA was giving Croatia the same message in Zagreb as the rest of the EU, "you have to do your

homework."

17. (C) In a debriefing by the Luxembourg Presidency to COREPER on April 27, EU member states were told the task force had decided not to set a date for any further meetings, but to report orally to the Council, following consultation with ICTY, when there had been significant further developments. But, in a Presidency initiative that took our UK and Commission contacts a bit by surprise, the Luxembourg ambassador added that the Presidency judged it would be appropriate to return to the dossier at the June 13 GAERC. (NOTE: June 13 is also the date that Del Ponte is scheduled to make her next presentation to the UNSC in New York. Due to time differences, any GAERC discussion would likely take place before Del Ponte's report. END NOTE.)

18. (C) COMMENT: So far the EU is holding firm with Croatia that ICTY cooperation is a precondition. Just as important are the references, such as Asselborn's above, that full cooperation means satisfying the Hague, because implicit in that message is that, if Del Ponte says full cooperation means Gotovina in the Hague, then for the EU full cooperation will mean Gotovina in the Hague. Having been surprised at COREPER by the Luxembourg Presidency, we expect that the UK and the Commission will now seek to ensure that any June 13 GAERC discussion of Croatian will be as banal as possible, unless significant developments occur in the meantime. END COMMENT.

MCKINLEY

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